

**REMARKS**

This Amendment and Response is submitted in response to the Examiner's objection of March 9, 2006, objecting to the Applicant's previous office action as being not fully responsive. Applicant submits this Supplemental Response to overcome the deficiencies of the previous office action.

***Rejection of Claims 1-17 under 35 U.S.C. 112, Second Paragraph:***

The Examiner has rejected claims 1-17 under 35 U.S.C. 112 as being indefinite. The Examiner specifically states that a broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. The Examiner cites MPEP § 2173.05(c) in support of this statement. Applicant respectfully submits that the cited MPEP section refers only to numerical ranges, and that the rejection is therefore improper.

However, in efforts to expedite prosecution on the merits, the Applicant has amended Claim 2, and added new Claims 33-34. Applicant submits that in light of the amendments to the claims, the Examiner's rejection is now moot, and its immediate withdrawal is respectfully requested. Support for the changes to Claim 2 can be found in page 5, paragraph 1 of the Application as filed. Amended Claim 2, and new Claims 33-34 read as follows:

2. (Currently Amended) The nonwoven article of claim 1, wherein said FR resin material contains phosphorus, phosphorus compound(s), ~~red phosphorus, esters of phosphorus, and or~~ phosphorus complexes, or combinations thereof; amine compounds, boric acid, bromide, urea-formaldehyde compound(s), phosphate-urea compound(s), ammonium sulphate, or halogen based compounds, or combinations thereof.

33. (New) The nonwoven article of claim 2, wherein said phosphorus is red phosphorus.

34. (New) The nonwoven article of claim 2, wherein said phosphorus compound(s) are esters of phosphorus.

***Rejection of Claims 1-28 under Judicially Created Double-Patenting:***

The Examiner rejected Claims 21 – 28 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the Claims 1 – 15 of copending application 10/392,999. The Examiner states that although the conflicting claims are not identical, they are not patentably distinct because the claims are drawn to overlapping inventions. This rejection is provisional because neither this application nor copending application 10/392,999 is patented. In view of the fact that the copending application might be abandoned, it seems premature to submit a terminal disclaimer. Should the Examiner indicate that the application would be allowable except for the double patenting rejection, then the undersign will submit a terminal disclaimer in quick fashion.

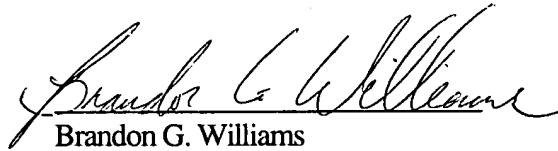
***Remarks as to Claims 13 and 14:***

In accordance with the Examiner's suggestion, Claims 13 and 14 have been further amended to be consistent with Page 7 of the Applicant's response of December 12, 2005.

CONCLUSION

In light of the comments presented, and the newly submitted claim set, the Applicant believes that the Response is now in a condition for consideration on its merits, and such action is respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Brandon G. Williams", written over a horizontal line.

Brandon G. Williams  
Attorney for Applicant(s)  
Registration No. 48,844  
DOUGHERTY | CLEMENTS  
1901 Roxborough Road, Suite 300  
Charlotte, North Carolina 28211  
Telephone: 704.366.6642  
Facsimile: 704.366.9744

BGW/bcb  
Attorney's Docket 3788